

# NEWS FROM ED MARKEY

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## MARKEY URGES BRAIN INJURY PANEL TO SHARE ITS WORK-PRODUCT WITH THE PUBLIC AND OTHER SCIENTISTS

*Industry-Expert panel blames brain-injury on pre-existing conditions, but fails to disclose analysis of 57 cases, including 20 published in medical journals.*

**Washington, DC:** Rep. Edward Markey (D-MA) released the following statement today upon release of the report prepared at the request of Rep. Markey and Rep. Bill Pascrell (D-NJ) by the Brain Injury Association of America concerning brain trauma experienced by 57 amusement park rider patrons that could not be explained by any direct blow to the head:

"I thank the Brain Injury Association of America for undertaking this task and for the time and effort put into it. Its key finding – that "at-risk populations ... are already warned" – is certainly reassuring to those who do not have a pre-disposition to brain injury.

"We have made great progress in the last year. The public now has some regulatory assurance that the industry will not be allowed to increase force on rides beyond what is medically reasonable. New Jersey has adopted enforceable g-force standards, and the industry is circulating a voluntary g-force standard that mirrors the New Jersey standards. None of this existed when I first asked the industry to set a voluntary standard in May 2000, nor when Rep. Pascrell and I asked for the BIAA to look at the medical issue in February 2002.

"However, I am very puzzled by the decision of the panel to withhold the basis of their conclusions. By neglecting to publish the panel's work product, the panel undermines the validity of its own findings and throws a cloud over integrity of its work that is hard to dispel.

"I am not a scientist, but I recall being admonished in grade school to 'show your work.' By showing your work, others can know how you arrived at your conclusion, and can give you partial credit even if your conclusion turns out to be wrong. This approach is the building block of scientific inquiry, whereby one's work is published so that others can test their own theories against yours and so that the methodology underlying a conclusion can be tested and replicated to prove its worth.

"Conversely, to present conclusions without revealing how they were derived is considered the opposite of science. It denies other scientists and interested parties the ability to test their own judgments against the work of the panel.

"This contrasts, for example, with the report recently commissioned by Six Flags and conducted by the American Association of Neurological Surgeons. The Six Flags panel review each of 20 cases contained in recent medical journals, and discusses each case in sufficient detail to determine the basis for its conclusions.

Based on the expert opinion of this panel, 6 of the 20 cases were deemed "implausible" regarding the theory that the brain injury was caused by an amusement park ride. Of the remaining 14, however, the panel found that at least 9 of the 20 cases appeared on their face to involve cases of brain injury plausibly related to riding an amusement park ride, and an additional 5 cases could not be ruled out based pending further investigation.

"The BIAA panel looked at the same cases but does not include any case-by-case discussion. Why?

"In fact, the BIAA panel does not even include a single reference to the individual articles that they have in their possession and presumably reviewed. Why?

"The BIAA panel had in its possession detailed descriptions not only of the 20 cases discussed in the Six Flags Report, but also an additional 37 cases derived from individual victims or their doctors or investigations following news reports. How were each of these cases considered by the panel? Where is the work product of the months and months of deliberation over these injuries and their causation?

"Today, I am calling once again for the BIAA to reverse its decision to withhold the body of this report. Its opinions are valuable; its analysis of the evidence, however, would be much more valuable and constitutes the core of the request that 11 of my colleagues made a year ago. There is simply no good reason to hide the basis of its conclusion; there is every reason to make it public now."

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